IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 324 OF 2005

NATIONAL INSURANCE CO.LTD., MARGAO GOA ....Petitioner

Versus

SHRI RAMAKANT S.DESAI AND ANR., ...Respondents

Shri J.P.Mulgaonkar, Advocate for the Petitioner

Coram:- R. M. LODHA, J.

Date:- 21st October, 2005

P.C.:

Heard Shri J.P. Mulgaonkar, learned counsel for the Petitioner.

The impugned Order has been passed on the application under S.140 of the Motor Vehicles Act relating to no-fault liability. The learned counsel for the insurer did not dispute that there was a valid insurance policy in respect of the vehicle (scooter) bearing No.GA-02-/K-4948. The claimant suffered injury resulting in 2% permanent disability in his right leg from an accident arising out of the use of the insured vehicle. The finding of the Claims Tribunal that for the purposes of no fault liability it was sufficient to prove that the accident had taken place arising out of the use of the motor vehicle cannot be said to suffer from any error of law or jurisdiction. The insurance policy was comprehensive and covered the rider of the vehicle (scooter).

I am satisfied that no interference is called for in the impugned order.

Writ Petition is dismissed in limine.

R. M. LODHA, J.

sl.